

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, January 28, 2020
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, January 28, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner Meder
Commissioner McNeer

Commissioners Absent:

Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Robert Case, Planner
Kristie Hatley, Planning Technician
Ryan Denk, City Attorney

There were twelve members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on November 19, 2019.

Motion made by Commissioner Meder to approve the minutes with the recommendation by Commissioner Hansen to correct the spelling of the word “effective” under the Discussion Items on page 5.

Motion seconded by Commissioner Ford.

Motion passed 6-0.

REGULAR AGENDA

1. SYMPHONY FARMS AMENITIES AREA

FDP-19-04: Consider a final development plan for an amenities area for Symphony Farms located at the northwest corner of Kill Creek Road and W 167th Street.

Ms. Michelle Leininger, Principal Planner, presented the final development plan for this project located at Kill Creek Road along the east and W 167th Street along the south. Currently under construction are the pool and restroom/pool equipment building. Future amenities will include a community garden, clubhouse and sports court. The buildings will reflect the architectural theme of the existing historic barn. Staff has found this plan consistent with the Comprehensive Plan and the site is capable of accommodating the proposed buildings and site design elements. Quality architecture and building design and materials are proposed, and the plan is compatible with both the context of the area and the approved preliminary development plan. Staff recommends approval of FDP-19-04 with conditions.

The applicant was present to answer questions.

COMMISSION DISCUSSION

No discussed ensued.

Motion made after review of application FDP-19-04, a final development plan for Symphony Farms Amenities Area on property located at the northwest corner of Kill Creek Road and W 167th Street (Tax Ids CP84410000 0001 and CP84410000 0002) and final development plan document dated August 16, 2019, and staff report dated January 28, 2020, the Planning Commission approves the application subject to the following conditions:

- 1. The Administrative Plat shall be recorded prior to the issuance of a building permit.**
- 2. Provide No Parking (R8-3) signs: On the east side of Kill Creek, 100 ft north of 167th St and North of 166th St.**
- 3. Provide No Parking (R8-3) signs: On the west side of Kill Creek, south of 166th St and between the parking lot drives, with an additional “Here to Corner” (R7) sign.**

Motion made by Meder and seconded by Deaton.

Motion passed 6-0.

2. HILLTOP RIDGE

Located at the southwest corner of Kill Creek Road and W 167th Street

- a. **Z-19-05:** Consider a rezoning from RUR (Rural, Agricultural uses and single family dwellings) District to R-1 (Single-Family Residential) District for Hilltop Ridge.
- b. **PP-19-06:** Consider a preliminary plat for Hilltop Ridge, a 71.15 acre, 150 lot single-family residential subdivision.

Mr. Robert Case, Planner, began the presentation with Z-19-05, the rezoning of 71 acres.

This request is compatible with the surrounding properties and appropriate for the character of the area which is used as farmland or single-family homes. It was also consistent with the City's Comprehensive Plan. When in the county, the property was zoned for agricultural and large lot residential which was an appropriate residential density when utility infrastructure was unavailable.

The area is urbanizing with the planned growth of Gardner and staff has found the property better suited for an R-1 designation. The removal of the property's current restriction of the minimum ten-acre lot size will result in increased density, traffic and stormwater in the area. However, the applicant is providing for the continuation of Madison Street that will provide another important road connection for existing subdivisions to the south and improve public safety. This single-family development will provide a positive gain to the City's economic growth and the development of new streets will provide interconnectivity between neighborhoods. The applicant's proposal offers a more efficient means of travel within the northwest area of the City. Staff recommends approval of the rezoning as it will not adversely affect the capacities of the utilities, infrastructure or public services in the vicinity. The application to rezone to R-1 single-family development supports the adopted policy of the Comprehensive Plan for the new residential growth areas. It also supports the extension of the existing trail system through its interconnection with the Kill Creek trail future location, which is consistent with the adopted Park System Master Plan.

Mr. Brett Cox, Renaissance Infrastructure, represented the applicant and was available to answer questions.

PUBLIC HEARING

Mr. Tim Coach, 32580 W 171st St, stated he has three areas of concern. The first is the low water pressure they are experiencing but said he is aware the City was just doing a water study of the area. Secondly, he said that 172nd and Osage is already a drag strip and the proposed design with Osage becoming a through street past Madison to an area further down the hill is just a longer runway for the teenagers. Lastly, his most important concern is the existing trees that are almost 90 years old that he does not want to lose. These are on the south side of Madison and are of high importance to the area.

Ms. Traycie Haney, 32626 W 171st St, said her backyard is against those trees and she chose that lot because of the gorgeous view. Everyone in the neighborhood comments how much they like living there because of the beautiful view of trees. They need to be maintained and not torn out to be replaced with new trees.

Ms. Lisa Culbertson, 32500 W 171st St, stated she wants the trees to remain, too. Her front yard is 171st St with Jessica St teeing into her front windows. Her backyard will be Madison St so she wanted to know the proposed size of the planned easement between her backyard and Madison St. She also inquired if there would be a sidewalk on her side of the street so she could plan for fencing, if needed.

Motion to close the Public Hearing made by McNeer and seconded by Meder.

Motion passed 6-0.

COMMISSION DISCUSSION

No discussed ensued.

Motion made after review of case Z-19-05, a rezoning from RUR (Rural, Agricultural uses and single family dwellings) District to R-1 (Single-Family Residential) District for Hilltop Ridge, Tax Id 2F221422-1003, located on the south side of 167th Street approximately 200' west of Kill Creek Road, and a staff report dated January 28, 2020, the Planning Commission recommends the Governing Body approve the application.

Motion by Ford and seconded by McNeer

Motion passed 6-0.

Mr. Case continued the presentation with the preliminary plat review. The preliminary plat proposed by the developers includes 150 single-family lots with all utilities located along both W 167th St and Osage St. Madison St will be extended along the southern boundary of the plat and a proposed trail extends along the creek to W 167th St that will eventually connect with the Kill Creek trail system. Staff has found the application in is in accordance with the Comprehensive Plan and compliant with the Land Development Code. The Comprehensive Plan calls for plans in the new residential growth areas to implement a sidewalk/trail infill program that includes pedestrian through-access connecting subdivisions. This plan connects with St. Johns Trace Subdivision to the south and with the Symphony Farms Subdivision to the north. The proposed phasing is clearly indicated in the application and demonstrates a logical and coordinated approach to development. Impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan nor impedes the construction of anticipated or planned future public infrastructure within the area. Staff recommends approval.

Mr. Brett Cox, Renaissance Infrastructure, represented the applicant and said they were in agreement with all of the conditions and were working on some minor details on the storm water study. He responded to the questions by the public by stating they planned to match grade on Madison St. as much as possible to save trees and minimize impact by the existing houses.

COMMISSION DISCUSSION:

Commissioner Meder asked about the staff report note regarding the fire department request for a secondary access to the south after phase two of the development is completed. She felt it would help alleviate some of the traffic problems and asked if that should be added as a condition on this motion.

Mr. Larry Powell, Director of Business & Economic Development, replied to earlier questions before answering Commissioner Meder. He said the right-of-way for Madison St is 60' wide, and is directly adjacent to the property line with no right-of-way taken from St. John's Trace nor the backyards of any of the houses along the north side of St. John's. Between the property line and the street is a 15' grassy, treed area on the south side of what will be the new Madison roadway. There will be a stop sign where Osage intersects Madison from the north and the south. The through street is broken up to avoid the same long run as there is for the existing homes.

It was suggested by the public to add a flashing stop sign at that intersection as people may run the stop sign.

Mr. Powell continued to say if there is still a problem with the raceway then a possible solution is to add a stop sign somewhere along the route. The police department could look at that if that is an issue.

The public in attendance felt the stop sign at Osage and Madison should take care of the issue.

Mr. Powell said staff would look at the sidewalk requirement on both sides of Madison and if the south sidewalk was not necessary it could be removed from the plan and that would extend the grass and tree area. Staff will make note of that request.

Commissioner Meder asked if the location of the second access required by the fire department was known.

Mr. Powell responded that dependent upon construction of phase two, the applicant has the choice to either go up to the middle to where the Osage St connection is and go that way or they could go to the right along the west side and hit where Madison will come into existence and take Madison over. Either way is appropriate for providing the secondary access to the south.

It was decided not to add the condition to the motion regarding the secondary access but due to its importance, staff would make note that it would continue to be addressed.

Motion made after review of case PP-19-06, a preliminary plat for Hilltop Ridge, Tax Id 2F221422-1003, located on the south side of 167th Street approximately 200' west of Kill Creek Road, and staff report dated January 28, 2020, the Planning Commission recommends the Governing Body approve the application subject to the following conditions:

- 1. Provide a 10' wide trail along 167th Street and also extends down along the floodplain located on the northwest side of the development.**
- 2. Provide 60' of ½ right-of-way along 167th Street.**
- 3. Approval of a Stormwater Management Plan by the Public Works Department.**

Motion made by McNeer and seconded by Ford.

Motion passed 6-0.

3. TEXT AMENDMENT

- a. **TA-20-01:** Hold a public hearing and consider proposed text amendment TA-20-01 to the *Gardner Land Development Code* regarding the Public Utility Facility-Major land use.
- b. Initiate text amendments to various sections of Title 17 Land Development Code of the Gardner Municipal Code enabling regulations that are consistent with the context of rural areas of Gardner and that preserve rural character.

Ms. Kelly Drake Woodward, Chief Planner, began her presentation of text amendment TA-20-01 stating that specific standards for public utility and airport uses were adopted into the LDC in 2017. Utility uses were classified as either minor or major. Major public utility facilities include generating plants, electrical switching facilities and primary substations, water and wastewater treatment plants, and other similar facilities that provide the general public with services regionally. Currently, in the agriculture and residential zoning districts, minor public utilities are a conditional use subject to additional standards, and major public utilities are not permitted. In the commercial and industrial zoning districts, minor public utilities are a permitted use, and major public utilities are a conditional use, all subject to additional specific use standards. The proposal is to allow major public utilities in the additional zoning district of A – Agriculture as a conditional use subject to additional specific use standards.

This amendment was initiated by the Governing Body to consider allowing the major public utility facility use in additional districts for a more efficient process. Conditional uses, and their expansions, entail a public hearing and recommendation by the Planning Commission with final approval by the Governing Body. The use can be approved with additional conditions to address any other concerns arising from the context, thereby mitigating any potential community concerns while supporting essential public services in an efficient manner. There are ten review criteria for conditional uses which pertain to furthering the intent of the zoning district and adjacent districts, having a positive impact on the public realm, ensuring adequate drainage and public utilities, and being found to be compatible with the character of the area in design and function. All Public Utility Facility – Major uses are subject to additional specific use standards regulating setback from residential districts, height transitions, landscape buffers, and fencing.

As the community grows, there is a need to provide public utility services to outlying areas. Based on a comparison of the adopted utility plans and future land use maps, it may be advisable that some major public utility facilities be developed on sites planned for agriculture or residential zoning. Currently, new major public utility facilities would have to be built on land that is rezoned to a commercial or industrial district, even though the facilities would perhaps be located adjacent to agriculture or residential uses. Then, if the facility was ever decommissioned or redeveloped, the site would potentially be opened up to various commercial and industrial uses that may not be compatible with the adjacent land uses unless the property was rezoned before redevelopment. Of additional concern, the LDC provides that nonconforming uses (that were legally initiated prior to the adoption or amendment of this Code, but would not meet the terms of the current code) may continue to exist (or be grandfathered in), but may not be expanded beyond the existing area of the lot. The City's wastewater treatment plant is located on a site zoned Agriculture District near Celebration Park along W 159th St. Without the amendment, this facility would have to be rezoned to be expanded. Examples of existing and planned facilities that would be affected if this amendment was not implemented were presented, including a new electric substation and wastewater treatment plant planned south of I-35. Staff recommends approval of this text amendment.

Commissioner Ford asked what would be considered “major” facilities.

Ms. Woodward replied major facilities would provide services in a more regional way such as electrical facilities, primary substations, water and wastewater treatments plants and natural gas. She said it was somewhat subjective and allowed staff to look at what was being planned to determine if it should be processed as a major or minor utility. Most of the utilities in Gardner are locally operated but considered major because they provide access to a broader area.

PUBLIC HEARING

No comments from the audience.

Motion made by Meder to close the Public Hearing and seconded by Hansen.

Motion passed 6-0.

COMMISSION DISCUSSION:

Chairman Boden asked what types of transitions or buffers would be built for the utility facilities in the agricultural district and if they would be installed when the facility was constructed or at a later time and how would you provide for a buffer if the surrounding property is undeveloped.

Ms. Leininger explained that staff would look at the city’s Comprehensive Plan to determine future anticipated uses. Then, because it was a conditional use permit, everything would be taken into consideration, including the need for more or less landscape or setback.

Ms. Woodward responded the transitions would be landscape buffers and would be installed when the facility was developed. The specific use standards for the public utility facility-major use provide that they are subject to level 4 buffer requirements just like an industrial facility.

The commissioners discussed the conditional permit process.

Motion made to recommend that the Governing Body approve text amendment TA-20-01 to the *Gardner Land Development Code*, revising the use provisions for Communications and Utilities to permit Public Utility Facility – Major as a Conditional Use subject to specific use standards in the additional zoning district of A (Agriculture) District as presented in the January 28, 2020 staff report.

Motion made by Hansen and seconded by Meder.

Motion passed 6-0.

Ms. Woodward continued with her presentation on item 3b to initiate potential text amendments that focus on Gardner’s new growth areas and enabling regulations that are

consistent with the context of rural areas and preserve rural character. Since the LDC was adopted, some County properties have been annexed into the City. The City has also adopted subarea plans for areas south of I-35 that include a goal to maintain rural character in existing areas until the time that municipal services and market factors allow urban densities to develop. The plans call for residential development patterns such as conservation or cluster development to preserve larger areas for conservation, open space, habitat, regional water management, and agriculture use. The LDC was designed to facilitate a more urban context. Because the city is expanding into rural areas, staff has found the need to look at the regulations to see how to maintain that rural character until the facilities are available there to serve development. If that is allowed to happen organically, it may become difficult later to try to develop a greater density.

Topics staff would like to address to retain rural character and context:

- **Rezoning for annexed land –**
 - LDC provides that all land that is annexed shall be classified as the corresponding city zoning district most similar to existing county zoning district. However, the City Attorney has said that this automatic reclassification is not supported by case law, and a formal process must be undertaken to achieve this reclassification.
 - It may be beneficial to waive the rezoning fee for annexed parcels provided that the reclassification is to the corresponding city zoning district most similar to existing county zoning district, or to a district that is consistent with the future land use map.
- **Process for larger land divisions –**
 - Lot splits for larger parcels, including a width to depth ratio.
 - Currently, the creation of lots less than five acres triggers the plat process, and the LDC does not offer standards for the division of lots larger than this until development occurs. However, it is important to have standards for these larger lot splits so that reasonable development and access will be feasible in the future.
- **Conservation subdivisions** - Planned District/incentives provisions to facilitate subdivisions that preserve large, connected natural areas and offer more compact housing patterns where appropriate utilities can be provided.
- **Excise tax** – the possible deferral of excise tax with plats where development is not yet imminent.
- **Rural road network** - Subdivision standards impacting road networks, access streets and connectivity.
- **Rural road design** - street type standards that address sidewalks and whether to allow new gravel roads.
- **Private road requirements** – provision for private roads with public access.
- **Rural open space** types and requirements.
- **Rural frontage type** - A frontage type that addresses rural character. The most likely frontage type for a rural home would be the suburban yard. Although these could be reasonably applied, including access width limits a max of 24' at the ROW, required trees based on frontage length, and hardscape limit of 40%, staff may need to address screening of other typical front yard activities in rural areas.
- **Rural building type** - Potential building types or building type modifications for rural context. This would most likely entail relaxing some design and performance standards that are more appropriate in areas with a closer relationship to the public realm.
- **Fencing and accessory buildings** - Accommodation of rural livestock fencing and customary accessory buildings in rural development patterns.
- **Outdoor storage and vehicle parking** – different screening and location options.

- **Rural uses** - review of use standards with the context of this area in mind.
- **Building materials and design standards** – building and design that is appropriate for use within a rural context.
- **Buffer and screening** requirements.
- **Stormwater** requirements – opportunities for more regional solutions?
- **Property maintenance** pertaining to vegetation.

Staff requests that the Planning Commission initiate amendments to all applicable sections of the LDC to address these issues and goals.

COMMISSION DISCUSSION

No discussed ensued.

Motion made to initiate text amendments to multiple sections of the Title 17 Land Development Code of the Gardner Municipal Code to address issues as presented in the January 28, 2020 staff report, or as subsequently presented, enabling regulations that are consistent with the context of rural areas of Gardner and that preserve rural character.

Motion made by Deaton and seconded by Ford.

Motion passed 6-0.

4. ELECTION OF A VICE-CHAIR

Nominate and elect a Vice-Chair of the Planning Commission for a term to expire July 2020.

An election was held but the bylaws state the election of an officer must have a minimum of 4 votes to pass. Two candidates were nominated for Vice-Chair however neither received the number of votes needed. Mr. Powell suggested the election of the Vice-Chair tabled until the next meeting to bring it before all seven members of the Planning Commission.

Motion to table the election of Vice-Chair to the February meeting made by Ford and seconded by Deaton.

Motion passed 6-0.

DISCUSSION ITEMS

1. GARDNER DESTINATION DOWNTOWN PLAN

Ms. Woodward gave a brief overview about the study area and the history of the project that began with the *Gardner Main Street Corridor Plan*. The Plan focused on the big picture and crafted a vision that integrated transportation, land use and the environment while collaborating with the community. She presented a short video featuring the Corridor Plan.

The *Gardner Destination Downtown Plan* is the second level of planning and focuses on project development and implementation activities for a smaller, 8-block study area of downtown. She described the steps taken by the steering and implementation committees, community stakeholders, and staff to devise this plan including a Kansas City metro bus tour of similar projects, Walk & Roll tour of Downtown, public events, online surveys, public meetings and meetings with property owners. Mr. Terry Berkbuegler of Confluence, the consultant for the city, presented the latest draft of the *Gardner Destination Downtown Plan*. A question was asked about parking for City Hall and was answered by Mr. Berkbuegler that all existing parking was relocated within the plan along with additional parking spaces overall. The plan will be presented for adoption at the February meeting.

2. ANNUAL REVIEW OF THE COMPREHENSIVE PLAN

Ms. Woodward included within the staff report a history of the Comprehensive Plan and subsequent amendments since its adoption in 2014, including the adoption of additional plans by reference. The *Gardner Destination Downtown Plan* would be the next amendment, but several items were initiated as possible amendments in 2018 that had not yet been implemented. Additional items that could be considered for amendment were identified in a joint City Council/Planning Commission meeting in December 2018. Staff recommended additional action items for 2020 plan amendments. She asked the Planning Commission to initiate these items for anticipated Comprehensive Plan amendments.

The Planning Commission receives the annual review of the Comprehensive Plan and initiates amendments as identified in the January 28, 2020 staff report for implementation as anticipated amendments to the Comprehensive Plan in 2020, specifically those items identified during the 2018 joint Planning Commission/Governing Body meeting and additional recommended items for 2020.

Motion made by Meder and seconded by Ford.

Motion passed 6-0.

3. 2019 ANNUAL PLANNING COMMISSION ACTIVITY RECAP

Ms. Woodward reviewed each of the projects brought before the Planning Commission for the past few years to update them on the progress of the City.

ADJOURNMENT

Motion to adjourn made by Hansen and seconded by Meder.

Motion passed 6-0.

Meeting adjourned at 9:12 pm



Planning Commission

January 28, 2020

<u>Name</u>	<u>Address</u>
KEN KELTNER	GARDNER
BRETT COX - Renaissance Twp.	5015 NW Canal, Riverside Mo
JAMES HUMBERT	100 16670 HILL CREEK
Tim & Tanya Coack	32980 W. 171 st Gardner
Traycie Haney	32626 W. 171 st St.
Randy Thyl-Skuff	Gardner
Lisa Culbertson	32500 W. 171 st